



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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*October 22, 2009
Agenda Item 5.0*

Memorandum

DATE: October 15, 2009
TO: Congestion Management Agency Board
FROM: Dennis R. Fay, Executive Director
SUBJECT: EXECUTIVE DIRECTOR'S REPORT

Sacramento Report

I have attached a report from the CMA's Sacramento representative.

Washington, DC Report

I have attached a report from the CMA's Washington, DC representative.

Congestion Management Program: 2009 Conformity

The attached Table 1 reports the conformity status with the CMP. Letters were sent to the local jurisdictions during the first week of September requesting information on Tier 1 Land Use Analysis Program requirements and TDM requirements as well as status reports from certain jurisdictions on implementing deficiency plans. Comments were due by October 2nd for the Land Use Analysis Program and the TDM Element and by October 9th for the deficiency plan status reports. Local jurisdictions are required to comply with the CMP as follows: 1) (a) Tier 1 Land Use Analysis – submit to CMA all Notice of Preparations, EIRs and General Plan amendments; (b) Tier 2 Land Use Forecasts- review of ABAG Projections by traffic analysis zones; 2) Traffic Demand Management – Complete Site Design Checklist; 3) Payment of Fees; and 4) Deficiency Plans, as needed in some jurisdictions. Final conformity findings will be presented to the CMA Board at its December 3, 2009 meeting.

Ribbon Cuttings and Groundbreaking Ceremonies

A Groundbreaking ceremony was held on September 30th for the start of construction on the first phase of the BART Warm Springs Extension - a subway project through Fremont Central Park.

A combined Ribbon Cutting/Groundbreaking ceremony was held on October 2nd to commemorate the opening of the first segment of the I-580 EB HOV lane project and the start of

construction for the second segment of the I-580 EB HOV lane project as well as the Isabel Interchange Project. Supervisor Scott Haggerty was the Master of Ceremonies for the event.

A Ribbon cutting ceremony was held on October 9th for the opening of the Ardenwood Park & Ride facility in Fremont. Chair Mark Green was the Master of Ceremonies for the event.

A Ribbon cutting ceremony was held on October 9th for the opening of the I-238 Widening project. Speakers at the event included Congresswoman Barbara Lee, State Senator Ellen Corbett, State Assemblywoman Mary Hayashi, Caltrans Director Randy Iwasaki and Board Chair Mark Green.

Human Resources Consultant Selection

The CMA and ACTIA determined that their ongoing human resource requirements would best be met through the retention of a human resource specialist rather than through the hiring of dedicated staff. The CMA issued a request for proposals and interviewed three qualified firms. The selection panel recommended Koff & Associates, Inc. The firm is located in Emeryville and is registered with ACTIA as a SBE, LBE and VSLBE.

3-Year Project Initiation Document Priority List for Alameda County.

Caltrans has requested the ACCMA develop a Three-Year Project Initiation Document (PID) Strategic Plan for Alameda County to replace the current 1-Year work-plan process. The three year period is for FY 10/11 through FY 12/13. The intent of this approach is to better link the need and production of PIDs to upcoming funding sources (STIP, SHOPP and others) in a more forward looking manner. The goal is to better utilize the PID resources and a reduce the amount of shelf PIDs. In order to assist with the preparation of the Three-Year prioritized list, ACTAC members were requested to review the draft list of proposed PIDs at their October 6, 2009 meeting and identify the agency intending to lead the PID (Project Study Report or other document) effort, indicate the Fiscal Year when PID work will begin, add any new projects and remove any duplicate projects.

New Federal Transportation Act Update

The Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) expired on September 30, 2009. MTC is recommending an overall architecture to guide upcoming programming decisions for the new federal surface transportation act funding (New Act). MTC's proposal for the use of these flexible federal highway funds was provided to the PPC at the October 12, 2009 meeting. This item is anticipated to be presented to the MTC Planning and Allocations Committee and the Commission in October and for action in November.

American Recovery and Reinvestment Act (ARRA) Discretionary Programs

The American Recovery and Reinvestment Act (ARRA) included an array of competitive programs that may provide additional funding to transportation projects in the Bay Area. MTC has developed a program matrix (ARRA Discretionary Program Summary, attached), which provides an overview of the various ARRA transportation grant programs, to assist agencies seeking funding. Weekly updates to this matrix are available on MTC's website at: <http://www.mtc.ca.gov/funding/ARRA> .

Transportation Bond Measure Projects

I-580 Eastbound HOV Lane Project – A ribbon cutting ceremony was held on October 2, 2009 for the opening of the first segment of the HOV lane from Portola Avenue to Greenville Road. The contract for the second segment was awarded to Ghilotti Construction on July 22, 2009 and construction began on August 21, 2009. The design consultant is preparing the project development package for the auxiliary lanes between Isabel and North Livermore Avenue and North Livermore Avenue and First Street. Work on the ITS component of the I-580 TMP continues. The CMA is preparing a re-evaluation of the I-580 Eastbound HOV Lane Project Environmental Document for conversion of the HOV Lane to a double HOT Lane.

I-580 Westbound HOV Lane Project – The Final Initial Study/Environmental Assessment was submitted to Caltrans on September 22, 2009 and approval is expected during October 2009. The project was split into two smaller construction contracts. The Phase one and the Phase two 65 percent PS&E packages were submitted to Caltrans on September 14, 2009. The CMA and Caltrans have prepared a Programming Change Request to remove the bus ramp from the project scope and to split the project into smaller construction contracts.

I-580/Route 84/Isabel Interchange – This project is sponsored by the City of Livermore and received \$68 million from the CMIA bond fund program. The project was split into three smaller contracts. Contract three was awarded to RGW on July 29, 2009 and will be administered by Caltrans. The other two contracts are administered by the City of Livermore and are under construction.

I-880 Southbound HOV Lane Extension (Hegenberger to Marina) – Environmental and preliminary engineering services are ongoing. The Environmental Document is scheduled for public circulation in late October with approval expected in early 2010. The consultant is incorporating Caltrans' comments on the draft Project Report. The North segment 65 percent PS&E submittal package was submitted to Caltrans for review in September 2009. At the request of the City of San Leandro, the ACCMA is overseeing the Marina Boulevard Interchange Project Study Report (PSR).

I-80 Integrated Corridor Mobility (ICM) Project – The Design Team delivered the 100 percent PS&E (including bid documents) for the Traffic Operations System (TOS) Project #3 to Caltrans on August 31, 2009. The Team delivered the 100 percent PS&E for the TLSP to Caltrans in late September 2009. The 95 percent PS&E for the Adaptive Ramp Metering (ARM) Project #4 will be submitted to Caltrans in November 2009 and the 65 percent PS&E for the Automated Traffic Management (ATM) will be submitted to Caltrans in December 2009. Traffic Modeling of the I-80 and San Pablo corridors is underway and preliminary results have confirmed benefits in congestion relief due to the Active Traffic Management practices proposed in these combined projects. The Project Change Requests (PCR) and Project Programming Request (PPR) were approved by Caltrans HQ staff in September 2009. Caltrans HQ will submit the revised schedule and split of projects for approval by the California Transportation Commission (CTC) staff in December 2009.

I-880 North Safety and Operational Improvements at 23rd/29th Avenues – The Project Report and Environmental Document are underway and preliminary engineering and environmental technical studies have commenced. A revised Project Report and Environmental Document were submitted to Caltrans on July 27, 2009 for review. A public information meeting in Oakland was held on August 11, 2009. The public circulation of the draft Environmental document is scheduled to begin in late October 2009.

Status of Corridor Studies/Projects

I-680 Express Lane Project – The CMA has partnered with Caltrans on the design of this project. The project has been split into six contracts: three roadway contracts, one landscape contract, an environmental mitigation contract and a system integrator contract. Bay Cities, the contractor for the first contract, Grimmer to Route 238 (Mission Blvd), is continuing to work aggressively to complete the project on schedule (November 2009). Contract 3, Route 237 to Grimmer, was awarded on April 7, 2009 to Top Grade and Contract 2, Route 238 to Stoneridge, was awarded on April 17, 2009 to Bay Cities. Both contractors are working aggressively on constructing the civil elements of the projects. Electronic Transaction Consultants (ETC), the System Integrator consultant, has submitted the detailed design document for CMA review and comments. The interface with Caltrans TMC, CHP and BATA customer service are underway. Scope changes to Contracts 2 and 3 have been made to allow for opening of the Express Lane in Fall 2010.

I-580 Traffic Management Plan Project – The Center-to-Center (C2C) Program communication hubs project will link various Transportation Management Centers in the Bay Area which include communication centers at the Metropolitan Transportation Commission (MTC) and Alameda County SMART Corridors. Phase I of the Center-to-Center project has been completed and an implementation ceremony was held on October 2, 2009. The integration provides links between cameras, detectors and changeable message signs along I-580 with communication centers at the Cities of Dublin, Livermore, Pleasanton and Alameda County SMART Corridors. Phase 2 of the Program, the I-580 Ramp Metering Project, started on September 15, 2009 and the design is due for completion by December 2009. The project is funded by a MYC grant and includes the installation of ramp meters on Grant Line Road, North Flynn Road and Portola Avenue. The construction and installation of ramp meters is forecast for completion in June 2010.

I-580 Corridor ROW Preservation – The CMA consultant prepared environmental documents (Categorical Exemption) for six properties that are currently available for acquisition. The Department of Fish and Game provided comments on the biological assessment. A project funding agreement between the City of Livermore and the CMA has been completed and provided to the City of Livermore for approval in October 2009.

I-580 Westbound Auxiliary Lane Project – This ACTIA Measure B funded project consists of two westbound I-580 auxiliary lane segments from Airway Boulevard to Fallon Road and from Fallon Road to Tassajara Road. The CMA is the lead agency for the environmental and design phase for the Airway to Fallon Road auxiliary lane. This lane is included in the I-580 WB HOV Lane Widening Project. ACTIA is the lead agency for the environmental phase for the Fallon to Tassajara Road auxiliary lane segment and has completed the NEPA environmental document.

Caltrans has approved the plans and has issued an encroachment permit to allow this work to be combined with the City of Dublin's Fallon Road Interchange Project. A project specific funding agreement between the City of Dublin and the CMA has been completed and a Contract Change Order has been issued to construct the Fallon to Tassajara Road auxiliary lane, construction is scheduled to be completed in October 2009.

I-580 Eastbound High Occupancy Toll (HOT) Lane: Technical Studies and Preliminary Engineering – Preliminary Engineering and preparation of the Environmental Document began in July 2008. The consultant is addressing Caltrans' comments on the traffic operations analysis report. The CMA has requested that additional studies be prepared to investigate the feasibility of a double HOT lane. A contract change order to install the infrastructure of some of the civil elements of the HOT Lane was issued to the EB HOV project. The CMA is investigating possible alternatives for delivery of the civil elements of the project. A final draft RFP for the system integrator is being circulated for review and comment by the project team.

I-580 Westbound High Occupancy Toll (HOT) Lane: Cost/Revenue and Operations Analysis – The Cost/Revenue and Operations Analysis is underway and scheduled to be completed in January 2010.

I-680/I-880 Cross Connector Project – This project is currently on hold while additional project alternative are evaluated.

I-580 Soundwalls: San Leandro – The San Leandro soundwall project contractor began work on June 15, 2009. The project is approximately 25% completed.

I-580 Soundwall Design: Oakland – The 100 percent PS&E for the Oakland soundwall will be submitted to Caltrans in late October 2009, following incorporation of Caltrans comments.

Caltrans Corridor System Management Plans -The California Transportation Commission requires Corridor System Management Plans (CSMPs) for corridors in which Corridor Mobility Improvement Account and State Route 99 bond funded projects are programmed. The purpose of the plans is to preserve mobility gains from the investments by managing the corridor for highest sustained productivity. The plans identify a corridor management strategy that all jurisdictions, regional agencies, and modal operators along the corridor agree to and that will guide corridor development, operation, and investments from all sources. The plans are based on diagnostics of the causes of congestion and micro-simulation of all strategies, actions and projects that determine the most effective mix to restore and preserve corridor productivity. The plans also complement and support activities in the Regional Blueprints efforts, compliance with Assembly Bill 32 and Senate Bill 375, and the implementation of the Smart Mobility Framework. The CSMP preparation process is led by Caltrans, MTC and ACCMA (I-80) for four corridors in Alameda County: I-80, I-880, I-580 and SR-24. These CSMPs have been completed. They have been presented to the respective technical advisory committees with the exception of I-80 which will be completed by the end of October 2009. The Traffic Operation report for I-80 was presented to the I-80 CSMP/TAC on September 30, 2009. The final CSMP reports for all four corridors are due for completion by December 30, 2009.

Ardenwood Park & Ride Lot Project – A ribbon cutting ceremony was held on October 9, 2009 for the Park & Ride Lot. The new portion of the Park & Ride Lot opened on July 20, 2009 and, following rehabilitation, the Caltrans portion of the Lot was re-opened on August 18, 2009. All 351 spaces are now available for public use. A sub project was developed to provide security items, pavement rehabilitation and construction of a restroom for AC Transit's use. These sub projects were completed in October 2009.

BART to Warm Springs –The contractor began clearing for new replacement facilities in Fremont Central Park to clear the way for subway construction spring 2010. A groundbreaking ceremony for the Subway contract work was held on September 30, 2009. Preliminary engineering on the Line, Track Station and Systems ("LTSS") contract is nearing completion. Subject to funding, a Request for Qualifications (RFQ) for the LTSS contract may be issued as early as October 2009. Also subject to funding and Right of Way Certification, a Request for Proposals (RFP) may be issued as early as January 2010. LTSS contract award, based on "best value" criteria is expected in the fall of 2010. Depending on the release of the RFQ and RFP, BART will re-evaluate its forecast for the commencement of revenue service to Warm Springs.

BART to Silicon Valley (Silicon Valley Rapid Transit Corridor (SVRTC)) – The Final EIS is expected to be circulated in January 2010.

Caldecott Tunnel 4th Bore – The Caldecott Tunnel bid opening was on September 29, 2009. Four bids were opened and Caltrans is currently reviewing the apparent low bid, by Tutor-Saliba Corporation of Sylmar, California, to ensure it meets all contract requirements. The project is scheduled to begin in late 2009/early 2010. Contractor bids include the cost of completing work as well as the number of days required before the tunnel is opened to traffic. The project has set a goal of hiring at least 3 percent of its contracted amount for underutilized, disadvantaged business enterprises. Financing for the project, estimated at \$420 million, comes from state, local and federal funds. Included in the funding is \$197.7 million the state secured from the federal government through the American Recovery and Reinvestment Act (Recovery Act). The CMA staff continues to coordinate with Caltrans on the project delivery through the Project Leadership Team (PLT) and the Executive Steering Committee (ESC).

Dumbarton Rail Corridor – The administrative draft EIS/EIR is complete and the design is 15% complete. Cost and ridership estimates were revised including information in the EIR/EIS. Cost estimates have increased and ridership estimates have been reduced since 2006. A full funding plan is being sought. A PAC meeting was held on September 25, 2009 to review next steps. The next Dumbarton Rail PAC meeting will be on December 16, 2009 in Palo Alto. They will discuss when the EIR may be ready to be released, what next steps, such as additional studies, will be needed to complete the EIR, the revised schedule, and Capitol Corridor's request for a letter of support from PAC regarding their application for an improvements package that would benefit Dumbarton Rail.

Grand/MacArthur Corridor Transit Enhancements – This project is a key first step towards bringing major transit improvements to the Grand Avenue/MacArthur Boulevard corridor from Eastmont Mall to the Transbay Terminal in San Francisco. The contractor has completed installation of all ITS elements of this project on Grand Ave. This project was completed on

August 28, 2009. Staff completed the close-out of this project in mid September and CMA Board approved the Resolution 09-010 accepting the completed construction contract for Grand Avenue-MacArthur Boulevard Corridor Transit enhancement Project at the September 24, 2009 Board meeting.

SMART Corridors Programs – CMA's SMART Corridors partnerships includes 29 public agencies. The CMA provides video and traffic data to the public and to transportations managers as well as emergency service providers in real-time. The public website address for the SMART Corridors is: <http://www.smartcorridors.com>. CMA is also assisting the City of Oakland in procuring traffic signal central software to accommodate Transit Signal Priority (TSP) on AC Transits' Rapid Bus on San Pablo Avenue.

Alameda County Traffic Operation Center (TOC) – The CMA is assisting the Alameda County Public Works Agency in the implementation of a Traffic Operation Center (TOC) at the county facilities in Hayward. The TOC would enable county transportation staff to access county traffic signal system and all Closed Circuit TV (CCTV) cameras available to the SMART Corridors Program in real-time.

Webster Street SMART Corridor – CMA in partnership with the City of Alameda is implementing the Webster Street SMART Corridor project. The purpose of this project is to improve traffic and transit operations and safety. The project includes transit and traffic operations and safety improvements and implementation of a Traffic Incident Management (TIM) system through the Webster/Posy Tube connecting the City of Alameda with the City of Oakland where the area trauma center is located. The City of Alameda Public Works Department is coordinating activities with the local fire and police departments. Additional stakeholders on this project are AC Transit, Caltrans, California Highway Patrol and the City of Oakland. The funding for this project has been provided through a variety of local and federal sources totaling \$1.4 million, including a \$340,000 federal Earmark for this corridor provided by the CMA.

San Pablo Avenue Rapid Bus Stop Improvements - The CMA is taking the lead in implementing approximately \$2.6 million in improvements to the Rapid Bus stops in Alameda County funded through AC Transit using Measure B funds. At the request of the cities, the CMA and the funding agencies have agreed to implement streetscape amenities as an alternative to the installation of decorative crosswalks. This extended the project completion date to September 2009. All project elements are completed with the exception of median islands which started in May 2009. The median islands design has been completed. Agreements with cities of Oakland and Berkeley regarding the median maintenance have been reached. The encroachment permit was issued by Caltrans on August 20, 2009. The Phase III of this project (median design and landscaping) will start on October 15, 2009 with a completion date of December 30, 2009.

Central Alameda County Freeway System Study – Local approvals for the SR 238 LATIP have been obtained from Alameda County, the City of San Leandro, ACCMA and ACTIA. Local approval is still needed from the City of Hayward and is scheduled for October 2009. The LATIP is anticipated to be considered by CTC at its December 2009 meeting along with the

Notice of Intent to Rescind the Freeway right-of-way. Approval of the LATIP is scheduled for approval by the CTC in February 2010.

MTC's Lifeline Transportation Program – MTC has released an augmented budget for the STA and JARC funds for the Tier 2 program. A draft, revised program will be presented to the Board for approval in October 2009. The intent of the Lifeline Transportation Program is to fund projects that increase transportation mobility for low income residents in Alameda County.

Berkeley/Oakland/San Leandro BRT – The BRT TAC meeting was held on October 8, 2009. The TAC discussed the impact of AC Transit's proposal to divert CMAC funds from the BRT project and an approach and schedule for getting the Locally Preferred Alternative and the FEIS/R approved. The next TAC meeting is scheduled for November 12, 2009 and the PSC for October 16, 2009.

Transportation and Land Use Work Program – At the September meeting, the Board reviewed the revised budget, which included ACTIA's approved allocation of \$200,000 as well as \$35,000 from MTC's Transportation and Land Use Program. Studies funded with this funding include the City of San Leandro's access study at the BART station and Livermore's Station Area Plan Community Visioning process. Staff also continues to coordinate within the county to determine how to integrate TOD into climate change goals.

Guaranteed Ride Home Program – There are 4,526 employees and 192 employers actively registered in the program. Twenty seven new employees registered in the past month. Three rides were taken in the past month – two taxis and one rental car. The average cost per taxi trip is \$83.76 and the average trip length is 38.7 miles. The average one-way trip distance for a rental car ride is 48 miles. The average savings for a rental car ride compared to a cab is \$72.80 per ride.

Truck Demand Model – The Task Force met on September 15, 2009. The consultants presented the initial work on origin-destination matrix estimation (ODME). Using the truck data collected as constraints and the existing model truck table as a seed, the ODME adjusts the existing truck table to produce the ODME-adjusted truck trip table, which more closely matches the collected truck counts. The consultants are also working on the trip generation, trip distribution and assignment components of the model. The next Task Force meeting is scheduled for October 20, 2009 at 10:00 a.m.

Update on Climate Action Activities – The next meeting of the Climate Transportation Working Group is scheduled for October 14, 2009 at 10:00 a.m. to discuss multi-modal level of service.

Countywide Bicycle and Pedestrian Plans – The update of the 2006 Countywide Pedestrian and Bicycle Plans is underway. The first meeting of the Countywide Bicycle and Pedestrian Plans Working Group is October 21, 2009 in ACTIA's offices at 9:30 a.m. to discuss the draft scopes of work for both Plans.

Transportation for Livable Communities – MTC draft guidelines for the Transportation for Livable Communities (TLC) program was reviewed by MTC's Planning Committee in

September 2009, followed by a recommendation for approval by the Commission. Following approval, MTC is expected to issue a Call for TLC Projects in January 2010. A workshop to present the guidelines and announce an official call for projects was held on October 7, 2009 at MTC. Funding levels for the TLC Program will be set by the MTC Commission in October 2009.

Environmental Documents/General Plan Amendments Reviewed

Since my last report, two environmental documents, notices of preparation or general plan amendments have been received or reviewed.

CMA Board and Committee Meeting Dates

Board meetings will be at 3:30 p.m. in the ACTIA offices. Administration & Legislation Committee meetings will be at 11 a.m. in the CMA offices in Oakland unless otherwise noted. Plans & Programs Committee meetings will be at 12 noon in the CMA offices in Oakland unless otherwise noted.

CMA Board

November 2009 –
no meeting scheduled
December 3, 2009
January 28, 2010
February 25, 2010

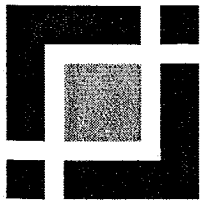
Plans & Programs

November 9, 2009
January 11, 2010
February 8, 2010
March 8, 2010

Administration & Legislation

November 9, 2009
January 11, 2010
February 8, 2010
March 8, 2010

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Suter-Wallauch-Corbett & Associates

Government Relations

Attachment A

October 14, 2009

TO: Dennis Fay, Executive Director
Alameda County Congestion Management Agency

Christine Monsen, Executive Director
Alameda County Transportation Improvement Authority

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

Clean-Up Bills Get Green Light: The California State Senate returned to Sacramento today and unanimously approved two measures very important to local governments: SB 65, the HUTA deferral fix, and SB 67 the bill that enables cities, counties and special districts to securitize their Proposition 1A receivables. These urgency measures had gotten caught up in the end of session partisan bickering that prevented about two dozen two-thirds vote bills from moving to the Governor's desk. SB 65 and SB 67 are now on their way downstairs to the corner office where they will await the Governor's signature.

What broke the log jam on the two-thirds vote bills? At the end of the legislative session in August Senate Republicans believed that the Democratic leader had not kept three promises to them. One of them related to the authorship of a bill related to the state tax credit for new home buyers. One of the bills taken up in the Third Extraordinary Session this morning was SBX3 37, which was amended to change the author to Ashburn and the contents of the bill now relate to tax credits for new home buyers. ABX3 37 is now on its way to the Assembly. The Assembly Members are reportedly coming back to Sacramento next Tuesday.

Governor's Actions: The Governor had threatened to veto nearly all of the bills sitting on his desk if a water deal was not reached by Friday. However, progress was made Friday night and in meetings over the weekend that apparently impressed the Governor. He issued a statement on Sunday afternoon stating that sufficient progress has been made to lift his veto threat and sign bills based on the merits alone.

While the Governor was on pace to set a new veto rate record, in the end his veto rate dropped from a high of 35% set last year to 28% this year. The notable signings include SB 83 (Hancock), which allows any congestion management agency to place on the ballot to impose vehicle fee of up to \$10 to fund transportation projects and programs. The Governor also signed AB 468 (Hayashi), which authorizes ACTIA implement a 15 year vesting schedule for PEMCHA benefits, and AB 1468 (Hayashi), which places in statute the structure for a settlement agreement on housing issues related to Route 238, as well as makes numerous clarifying changes to the LATIP process for Route 238 and

Route 84. The changes include the ability to advance local funds for projects to be funded by the LATIP.

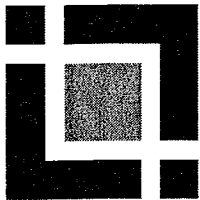
Attached is a summary showing the Governor's actions on all the bills we have been tracking. If you have any questions or need additional information, please give me a call.

A Busy Fall: During session today, the Senate adopted the rules and approved the officers to convene the Sixth Extraordinary session on addressing and improving the state's tax system (the Commission on the Twenty-first Century Economy's report), and did the same for the Seventh Extraordinary Session on the Sacramento-San Joaquin Delta and water financing issues. The Assembly is expected to do the same next week. However, neither house has release a schedule for these special sessions, but establishing these sessions allows members to introduce bills and committees to hold hearings.

Incoming Cash Lower than Expected: Controller John Chiang released September's financial report which reveals that revenues are nearly \$1.1 billion lower than expected due to personal income taxes, sales taxes, and corporate taxes all coming in below projections. This drop is primarily from personal income taxes which were \$934 million below projections; corporate tax receipts were down \$183 million and sales tax revenue was off by \$99.8 million.

The Controller also reported that the state started the fiscal year with an \$11.9 billion cash shortfall that has grown to \$16.2 billion by September 30. This cash flow shortage is being managed by internal borrowing and \$8.8 billion in short-term notes. Controller Chiang urged the Governor and Legislators to prepare for more difficult decisions ahead.

Track 2 Application: The Governor announced the state has submitted an application for \$4.7 billion of High Speed Rail ARRA funds. This is addition to the \$1.1 billion application the state submitted for Track 1 High Speed Rail ARRA funds. The state plans to use the High Speed Rail bond funds to match the federal funding on a dollar-for-dollar basis. The majority of the funding is for furthering the development of the Phase 1 corridor between San Francisco and Anaheim, which includes \$981 million for grade separations, corridor electrification, and other improvements between San Francisco and San Jose. In addition, the state is seeking \$276 million for engineering and environmental work on other segments, which includes \$22.5 million for the Altamont Corridor. A specific date has not been set for announcing the awards; however the Federal Railroad Administration issued a statement that due to the high demand for these funds an announcement for Track 1 and 2 projects will not occur until later this winter.



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Government Relations

LEGISLATION

The following is a summary of the Governor's actions.

Bills	Subject	Status	Client - Position
<u>AB 338</u> <u>(Ma)</u> Transit village developments: infrastructure financing.	<p>AB 338 would allow a city or county to create a transit village infrastructure financing district without a public vote. The bill was not amended to include MTC's suggested amendment to dedicate 10% of the housing funds for units that are fully accessible.</p> <p>The Governor's veto message is as follows:</p> <p><i>I am returning Assembly Bill 338 without my signature. This bill would eliminate voter approval requirements for the creation of an Infrastructure Financing District (IFD) and the issuance of tax allocation bonds by an IFD. In doing so, this measure would undermine the rights of voters to approve or reject proposals to redirect their tax dollars and incur public debt. Unlike the creation of a redevelopment plan, the creation of an IFD is not conditioned upon a finding of blight, or upon any other statutory or constitutional restraints other than strict voter approval requirements. As such, elections are the sole basis of public input and fiscal discipline in the creation of an IFD, and it is necessary to require voter approval. For this reason I am unable to sign this bill.</i></p>	Vetoed	ACTIA- Support & Seek Amendment CMA- Support & Seek Amendment MTC-Support & Seek Amendment

<u>AB 468</u> (Hayashi) Public Employees' Medical and Hospital Care Act: employer contributions.	AB 468 has been sent to the Governor for signing. AB 468 would authorize ACTIA to enact a graduated vesting schedule for Public Employees' Medical and Hospital Care Act (PEMHCA) benefits that specifies no employer contribution for the first five years of service. After five years of service the employer's contribution increases to 50%, and the contribution rate increases 5% per year, with 100% employer contribution after 15 years of service.	Signed Into Law	ACTIA – Sponsor CMA – Support MTC-None
<u>AB 628</u> (Block) Vehicles: toll evasion violations.	This bill permits toll roads and bridges operating in California, which already use vehicle identification cameras for recording toll violators, to begin using the same technology for the payment of tolls. This method is in addition to cash, a transponder (e.g., FasTrak), or other electronic toll payment devices that are authorized under current law.	Signed Into Law	ACTIA - Support CMA – Support MTC-Support
<u>AB 652</u> (Skinner) Vehicles: vehicle length limitation.	AB 652 creates a pilot program for AC Transit to test the use of bike racks that accommodate three bicycles. AB 652 was amended to address a couple issues raised by Caltrans. The amendments address actions of the Route Review Committee when a route is changed, and inserts intent language that mirrors existing law that applies to two position bike racks. The amendments do not include Caltrans' request to complete an engineering analysis of the routes where these racks will be used on 45 foot buses.	Signed Into Law	ACTIA – Support CMA – Support MTC-None
<u>AB 672</u> (Bass)	This bill would establish a process for local and regional agencies to apply for a Letter of No Prejudice (LONP) for	Signed Into Law	ACTIA - Support and Seek Amendments

Transportation: bond-funded projects: letter of no prejudice.	any project using Prop 1B funds. AB 672 has been approved by the Legislature and it is currently pending on the Governor's desk. If approved by the entity administering the Prop 1B program, the LONP will serve to ensure the project sponsor will be reimbursed for expending its own funds for any bond-funded component of the project. Given the uncertainty of the state's budget and financial markets, Speaker Bass has introduced this measure to give local entities a means to deliver projects even if the bond funds are not available.		CMA-Support MTC-Support
<u>AB 798</u> (Nava) California Transportation Financing Authority: toll facilities.	AB 798 would create the California Transportation Financing Authority with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed by various revenue streams of transportation funds, and toll revenues. The purpose of the Authority is to finance the construction of new capacity or improvements for the state transportation system. <i>AB 798 has been amended to include bus projects as well as rail. However, amendments removing the requirement for Bay Area counties to seek approval from MTC prior submitting an application with the CTFA was rejected by the sponsors and the Senate Transportation & Housing consultant. The reasoning was that this requirement is consistent with the regional planning structure in the Bay Area.</i>	Signed Into Law	ACTIA - Support and Seek Amendments CMA - Support and Seek Amendments MTC-None
<u>AB 1175</u> (Torlakson)	AB 1175 makes several changes to the Toll Bridge Seismic Retrofit Program. The bill include the following	Signed Into Law	ACTIA-Support CMA-Support

<p>Toll facilities.</p>	<p>changes:</p> <ul style="list-style-type: none"> • Adds the Dumbarton and Antioch Bridges into the Toll Bridge Seismic Retrofit Program (TBSRP), • Authorize the Bay Area Toll Authority (BATA) to administratively increase bridge tolls for the purposes of completing these seismic retrofit improvements, to meet bonding obligations, • Requires BATA to provide cash-based option for FastTrack customers that does not require customers to provide a name or address, • Requires BATA to contract with an independent entity to review privacy issues, and • Repeals BATA's authority to reduce the seismic toll surcharge as a means of encouraging the use of FastTrack. <p>The bill was amended to remove provisions that would allow BATA to submit regional measures to voters for toll increases.</p>	<p>MTC-Sponsor</p>
<p><u>AB 1186</u> (<u>Blumenfield</u>) Employee parking.</p>	<p>AB 1186 was intended to promote the use of the existing "parking-cash-out program," but it was vetoed by the Governor.</p> <p>This bill would require a lessor of a building located in a non-attainment area to list parking costs as a separate line item on all lease agreements. This requirement would only apply leases that provide space for 50 or more employees. Unbundling the parking cost would make it easier to offer employees cash in lieu of parking subsidies.</p>	<p>ACTIA – Support CMA – Support MTC-Support</p>

	<p>The Governor's veto message is as follows:</p> <p><i>I am returning Assembly Bill 1186 without my signature. This bill requires the lessor of a nonresidential building located within a nonattainment area to itemize parking costs in all lease agreements entered into or renewed after January 1, 2011 if the tenants of the building are provided free parking. I recognize that the current cash-out parking program faces many implementation challenges and many have called for various modifications to improve this program. For this reason, I have signed SB 728 (Lowenthal) which would clarify that either the California Air Resources Board or a local air district may enforce the existing parking cash-out law. With respect to this bill, although well-intended, I am concerned about placing an additional burden on commercial property owners at this time. It is my hope that better enforcement will shed more light on the challenges and effectiveness of this program. For these reasons, I am unable to sign this bill.</i></p>		
<p>AB 1386 (Havashi) State highways.</p>	<p>As approved by the Legislature, AB 1386 make several changes to the Local Alternative Transportation Improvement Program (LATIP) for both the Route 238 and Route 84 corridors as follows:</p> <ul style="list-style-type: none"> Amends existing law to allow the proceeds from the sale of state owned right-of-way along the proposed Route 238 corridor to be used for both state and local transportation improvements 	Signed Into Law	<p>ACTIA – Support CMA – Support MTC-None</p>

	<p>specified in the LATIP,</p> <ul style="list-style-type: none"> • Specifies that the proceeds from the sale of property is deposited into a special account that AB 1386 creates until it is used to implement a LATIP project, • Allows for local funds to be used to advance a LATIP project and be repaid at a later date with the sale proceeds, and • Repeals the existing housing related provisions for the Rt 238 LATIP, and adds provisions outlining the settlement agreement that is subject to court approval. 		
SB 83 (Hancock) motor vehicle registration fees.	As signed into law, SB 83 would allow any county congestion management agency to place on the ballot a majority vote measure to impose up to a \$10 fee on each vehicle for the purpose of funding congestion mitigation and air quality programs.	Signed Into Law	ACTIA – Support CMA – Sponsor MTC-Support
<u>SB 391</u> <u>(Liu)</u> California Transportation Plan.	<p>SB 391 requires Caltrans to update its state transportation plan by December 31, 2015 and every five years thereafter.</p> <p>This bill also requires the plan to address how the state will meet the transportation infrastructure and mobility needs of California and attain air pollution standards required by federal and state law and achieves greenhouse gas (GHG) emissions reductions needed from the transportation sector.</p>	Signed Into Law	ACTIA – Support CMA – Support MTC-None

<p>SB 406 (DeSaulnier) Land use: environmental quality.</p>	<p>The Governor vetoed SB 406 because it did not require a public vote before increasing the registration fee.</p> <p>SB 406 would authorize a metropolitan planning organizations to request the air district to increase the air quality registration fee by up to a \$2 on each vehicle registered within the district. If the population exceeds 300,000 then all amounts above \$1 must be used for grants to cities, counties and congestion management agencies for planning and projects related to implementing a regional blueprint plan. In the Bay Area, the resolution requesting the surcharge must be adopted by both MTC and ABAG.</p> <p>The Governor's veto message is as follows:</p> <p><i>I am returning Senate Bill 406 without my signature. Reducing greenhouse gas emissions is of utmost priority in my administration and is essential for achieving California's climate change goals. However, this bill would authorize a municipal planning organization, a council of governments, or a county transportation commission and a sub-regional council of governments, by resolution, to impose a new fee on motor vehicles registered in their jurisdiction. As I have said in prior veto messages, such an increase should be subject to voter approval. For this reason, I am unable to sign this bill.</i></p>	<p>Vetoed</p>	<p>ACTIA-Support and Seek Amendments CMA - Support If Amended</p> <p>MTC- Support and Seek Amendments</p>
<p>SB 728 (Lowenthal) Air pollution:</p>	<p>SB 728 is another bill that attempts to add teeth to the Parking Cash-out Program. This bill would authorize the cities, counties, and air districts to adopt a local ordinance</p>	<p>Signed Into Law</p>	<p>ACTIA- Support CMA -- Support</p>

parking cash-out program.	and penalty to ensure employers comply with the program. Under the Parking Cash-out Program any employer with 50 or more employees that are located in a non-attainment area must provide a parking cash out program if the employer provides a parking subsidy to employees)		MTC-Support
SB 783 (<u>Ashburn</u>) High-speed rail.	<p>SB 783 has been approved by the Legislature and it is currently awaiting action by the Governor.</p> <p>This bill requires the HSRRA to adopt the business plan and submit the plan to the Legislature by January 1, 2012 and every two years thereafter. The Plan must address the following issues:</p> <ul style="list-style-type: none"> • Include the most recent patronage forecast to identify high, medium and low ridership. • Prepare alternative financial pro formas for different levels of service. • Identify supplemental funding sources to augment the bond funds. • Identify agreements to public or private entities to fund components of the project. • Identify alternative public-private development strategies. • Hold at least one public meeting on the business plan. 	Signed Into Law	ACTIA-Watch CMA – Watch

**MEMORANDUM**

TO: Dennis Fay
Alameda County Congestion Management Agency
FROM: CJ Strategies
RE: Legislative Update
DATE: October 14, 2009

Surface Transportation Reauthorization

Congress approved a one-month extension through October 31, as part of the Continuing Resolution (CR). They will need to approve another extension before the end of October and will likely address the rescission issue at that time.

As you know, Chairman Oberstar supported a 3 month extension, which the House approved before the end of September. The Senate also agreed to take up a 3 month extension of SAFETEA-LU. However, negotiations broke down the night of September 30, over how to pay for the repeal of the \$8.7 billion rescission written into SAFETEA-LU. Congress must find offsets under pay-as-you-go budget rules. Senators Boxer (D-CA) and Inhofe (R-OK) reached a deal on using the Troubled Asset Relief Program (TARP) to pay for the repeal, but a few Republican senators objected.

Climate Change

Environment and Public Works Chairwoman Boxer announced earlier this week that her committee plans to hold hearings beginning October 27, with mark up either the first or second week of November. A series of bargaining sessions last week produced a "semi-final draft" of the legislation — including the critical formula for distributing billions of dollars' worth of pollution credits to different industries and interest groups. The EPA is currently conducting a cost analysis of the draft in preparation for the series of hearings at the end of October. The Committee will not release any new details until it receives the EPA cost analysis.

Senators Boxer and John Kerry (D-MA) introduced their long awaited climate change draft bill on September 30, but intentionally left blank several key provisions — including the allocation for emissions allowances — with the aim of shaping the language to win support from moderate Democrats in coal and industrial states. The backing of moderates is critical to gaining the 60 votes needed to prevent a Republican filibuster.

In addition, Senator Kerry and Senator Lindsay Graham (R-SC) wrote an op-ed column in the Oct. 11 New York Times, in which they called for bold action on climate change legislation that would include aggressive carbon emissions cuts sought by environmentalists, funding for

carbon sequestration technology favored by coal-state Democrats and an expansion of nuclear power and offshore drilling supported by Republicans. Many see Senator Graham's willingness to work with Democrats on the issue as a huge victory for moving forward on the legislation.

It remains to be seen how the Senate will ultimately allocate emissions allowances in its bill, but the House gave states 10 percent, leaving up to 1 percent of the total allocations for transit. This is only a fraction of what a number of lawmakers, including Senator Tom Carper (D-DE), are supporting. He continues to push his bill, CLEAN-TEA (S.575), which would require 10 percent of any cap-and-trade revenues to go toward low-carbon transportation.

Specifically, Sections 112 and 113 of Division A are the CLEAN TEA sections of the Senate draft. Section 112 requires states and large Metropolitan Planning Organizations to incorporate greenhouse gas (GHG) reductions targets into their long-range transportation plans. Section 113 establishes a performance-based grant program at the Department of Transportation to reward the best actors.

Section 202 of Division B, states that 10% of the state and local government energy efficiency allowances are devoted to the grant program in Section 113. In Section 208 of Division B, 44% of state adaptation allowances are devoted to transit. As stated above, the allowance values will be filled in when the Chairman's mark is released shortly before committee mark up.

Appropriations

As reported previously, Congress passed a one-month continuing resolution (CR) before the new fiscal year began on October 1. This legislation will keep all government agencies funded through October 31 at existing FY09 levels. The House passed all of its FY10 bills before the August recess, but the Senate has passed only 7 of its appropriations bills.

We are hearing that House and Senate Transportation HUD Appropriations Subcommittee staff are currently negotiating and hope to have most issues wrapped up by the end of this week. A formal conference meeting could be called next week if this schedule holds.

The most significant funding difference between the two bills is on high-speed rail. The White House sought \$1 billion for the program. The House included \$4 billion for high-speed-rail grants; although \$2 billion of that would be shifted to a National Infrastructure Bank should Congress enact authorizing legislation.

The Senate bill would provide \$1.2 billion for the high speed rail program. It includes no money for an infrastructure bank, substituting \$1.1 billion in grants for large infrastructure projects. The \$1.1 billion would provide additional funding for TIGER grants. The White House is urging Congress to include money for the infrastructure bank in the final bill. President Obama first touted the idea of a dedicated bank to pay for large, national infrastructure projects on the campaign trail and has continued to push for it.

The House bill provides \$1.83 billion for New Starts – this is the same as the President's request. The Senate bill provides an additional \$480 million for New Starts.

The Senate bill also includes \$100 million in addition funding for TIGGER grants; the House bill does not include any funding for the program.

The House-passed bill currently includes two Congestion Management Agency priorities:

- \$1,000,000 for I-580 Corridor Improvements
- \$500,000 for the Union City Intermodal Station

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October 22, 2009
Board - ED Report

Table 1 - 2009 CMP CONFORMANCE

Land Use Analysis, Site Design, Payment of Fees and Deficiency Plans

	Land Use Analysis Program			Site Design	Payment of Fees	Deficiency Plans/LOS Standards	Meets All Requirements
Jurisdiction	Tier 1 - Ordinance Adoption	Tier 1: GPA & NOP Submittals	Tier 2- Land Use Forecasts	Checklist Complete	Payments thru 4th Qts FY 08/09	Deficiency Plan Progress Reports and Concurrence	
Alameda County	Yes		Yes		Yes	Yes	
City of Alameda	Yes	Yes	Yes	Yes	Yes		
City of Albany	Yes	Yes	Yes	Yes	Yes	N/A	Yes
City of Berkeley	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Dublin	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Emeryville	Yes	Yes	Yes	Yes	Yes	N/A	Yes
City of Fremont	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Hayward	Yes	Yes	Yes	Yes	Yes	N/A	Yes
City of Livermore	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Newark	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Oakland	Yes	Yes	Yes	Yes	Yes		
City of Piedmont	Yes	Yes	Yes	Yes	Yes	NA	Yes
City of Pleasanton	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of San Leandro	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Union City	Yes	Yes	Yes	Yes	Yes	NA	Yes

N/A indicates that the city is not responsible for any deficiency plan for the past fiscal year.

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**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Memorandum

TO: Programming and Allocations Committee

DATE: September 9, 2009

FR: Executive Director

RE: New Federal Transportation Act—Proposal for Cycle 1 Programming and Cycle 2 Framework

Introduction

The region has programmed all of its expected Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) apportionment and we are in the final fiscal year of the act. As the region faces the close of SAFETEA ending on September 30, 2009, we recommend that the Commission provide an overall architecture to guide upcoming programming decisions for the new federal surface transportation act funding (New Act).

Attached for your information is staff's proposal for the use of these flexible federal highway funds, which are at the discretion of the Commission, over the next six fiscal years. This item is presented this month for information only, and will return to the Commission for action in October.

Background

While the exact fund program categories in the new authorization act are not yet known, we anticipate that the future funding programs will overlap to a large extent with projects that are currently eligible for funding under Title 23 of the United States Code. We also expect that the next one or two years of funding will be authorized through an extension of the current act and its programs.

The starting point for making New Act funding decisions is the strategic delivery of investments described in Transportation 2035 (T2035). In particular, T2035 identifies investments for federal Surface Transportation Program and Congestion Mitigation and Air Quality (STP/CMAQ) funding in the following areas:

- Continuation of Regional Operations programs such as 511 and TransLink®;
- System operations on the State Highways;
- Climate Initiatives;
- Bicycle/pedestrian programs;
- Transportation for Livable Communities (TLC); and
- Ongoing commitments to system maintenance and preservation.

Recent Programming Activities

Under the American Recovery and Reinvestment Act of 2009 (ARRA) MTC programmed roughly \$660 million to fund critical transportation needs in the Bay Area, which could be implemented quickly with the objective of jumpstarting the economy. To provide a necessary context for decisions on the next federal fund programming, these ARRA investments are listed in Attachment A along with the proposed STP/CMAQ programming. As a reminder, roughly two-thirds of the ARRA funds were committed to transit and local road rehabilitation projects.

Funding Estimate

Staff estimates that STP/CMAQ and Transportation Enhancements (TE) revenue will be \$1.1 billion over the next six-year authorization, assuming a 4% annual growth rate, consistent with projections for T2035.

The region will also have \$105 million in Regional Transportation Improvement Program/ Corridor Mobility Improvement Account (RTIP/CMIA) bond funding capacity as well as \$7.5 million in TE for programming consideration as a result of recent ARRA programming activities. Attachment A presents both this ARRA “backfill” programming as well as the estimated funding to be discussed as part of the New Act programming. All told, roughly \$1.2 billion is assumed to be available for Commission programming through FY 2014-15.

Further, \$235 million is identified as “anticipated” over the six year period, which represents the additional increment of funding consistent with the House Transportation and Infrastructure Committee \$500 billion proposal for authorization (10% growth rate). Staff recommends programming the first three years of this amount (up to \$60 million) under Cycle 1 on a contingency basis should apportionments come in higher. Staff believes this is a reasonable assumption considering past experience. For example, during SAFETEA, roughly \$180 million was programmed in bonus funding rounds – akin to “anticipated” revenues in that it was funding above original estimates. Thus, the total 6-year amount of funding contemplated in this proposal is \$1.4 billion.

While staff will seek the Commission’s approval for an overall framework for this \$1.4 billion in new funding in October, we will be requesting that the Commission adopt only the first three-year period of funding (Cycle 1, ARRA Backfill, and initial contingency priorities for “anticipated” revenues). This will give the region the opportunity to revisit the final three years of programming approximately two years from now, in order to consider changes in revenue estimates and any change to project eligibility.

New Act Proposal

Attachment A presents staff’s proposal for the use of STP/CMAQ, ARRA Backfill, and “Anticipated” funds during the New Act six-year period. Attachment B provides additional program category information.

The staff proposal addresses each of the stated programming principles noted below:

- **Required payback of Obligation Authority (\$68 million)**
- **Maintain on-going programs (\$206 million)**
- **Seize opportunity to deliver system-wide improvements (\$222 million)**

- **Fund other core Transportation 2035 categories (\$834 million)**
- **Fund strategic investments and regional commitments (\$71 million)**

The Climate Initiatives program is unique in that T2035 assumed front loading in the first five years. Also, staff has assigned first priority for funding to on-going and statutorily required programs. This includes repaying Caltrans' advance of additional obligation authority to the MTC region during SAFETEA, which permitted the delivery of more projects earlier than anticipated.

Keeping in mind that T2035 is not a strict programming document, the Commission's programming policies should provide flexibility to address changing funding constraints and opportunities. For reference, the chart below shows the assumed T2035 percentage investments to the core programs as compared to the staff proposal. The percentages are based on the STP/CMAQ funding level assumptions only. As a reminder, a significant amount of T2035 funding for the core programs was assumed to come from "anticipated" revenues." The difference between staff's proposal and the T2035 STP/CMAQ in relative funding percentages is discussed in the "Policy Considerations" section below.

Comparison of Staff Proposal and Transportation 2035 Investment Assumptions

T 2035 Core Programs	T2035 STP/CMAQ 25-Year Assumption		Staff Proposal: 6-Year	
	Million \$s	%	Millions	%
Freeway Performance Initiative (FPI)	825	16%	222	27%
Climate Initiatives	225	4%	93	11%
Regional Bicycle Program	525	10%	44	5%
Transportation for Livable Communities (TLC)	1,125	22%	174	21%
Transit Capital Rehabilitation	1,000	20%	119	15%
Local Streets and Roads Rehabilitation	1,400	27%	169	21%
Total	5,100	100%	821	100%

Response to Stakeholder Outreach To-Date

Attachment A reflects a number of revisions to a version of this funding proposal made available to stakeholders on June 23, 2009, and it attempts to respond to discussions with the Bay Area Partnership, MTC advisory committees, and other stakeholders during the summer months. In particular, staff has revised the proposal in response to the following input:

- **Advance more funding for core T2035 programs:** Staff recommends moving some strategic investments into Cycle 2 to free up \$31 million of programming capacity to advance a larger share of the Climate Initiatives, Regional Bicycle, TLC and the Local Streets and Roads Rehabilitation Shortfall programs into Cycle 1.
- **Frontload funding for Climate Initiatives:** In addition to advancing funding from Cycle 2 to Cycle 1 as discussed above, the overall funding capacity in Cycle 1 has been increased by \$20 million to establish a stronger jump start for the new Climate Initiatives Program. We propose to assign this new climate funding to the SFGO project as a transit priority project. Staff also notes that the other core programs in the proposal provide greenhouse gas (GHG) emission reductions, consistent with the objectives of the Climate Initiatives program, as discussed further under "Policy Considerations."

- **Higher funding levels for T2035 core programs:** Staff recommends two adjustments that increase revenues for all core programs except FPI: 1) add \$22 million in available regional TE funding to Cycle 2; and 2) pre-commit “anticipated” revenues that could be available if the authorization results in higher apportionments. Distribution of these funds would be directed to the core programs (except FPI) using T2035 pro-rata shares.
- **Ensure project delivery deadlines:** Staff recommends the establishment of delivery deadlines to ensure timely use of federal funds and ready-to-go projects be given priority. This allows the MTC region to remain in a position to obtain additional federal funding from other regions in California as well as from other states, if the opportunity arises.
- **More planning support for CMAs:** Staff recommends that the CMAs be given the option to use up to \$9 million (4%) of core county program grants for planning activities.
- **Reconsider priorities within FPI category:** Staff recommends adding the San Mateo 101 project to the FPI project list and dropping the Alameda I-880 project in the Fremont/Dumbarton Bridge area.

Appendix 1 summarizes comments received to-date.

Policy Considerations

The staff proposal for a New Act program requires that the Commission consider and balance a number of policy issues:

1. **Accelerate the Freeway Performance Initiative (FPI):** T2035 established that FPI preserves and optimizes the use of the existing capacity on the state highway system, enhances mobility and reduces air pollution. Furthermore, during the development of T2035, MTC staff conducted evaluations to measure benefit and effectiveness of various project investments, and concluded that the FPI program earned among the highest marks in areas such as the benefit/cost ratio in reducing congestion and CO2 emissions. See Attachment C for an illustration of T2035 investments and their relative evaluation outcomes, and Attachment D for a list of proposed FPI projects.

Staff recommends a larger share of funding for advancing FPI in Cycle 1, so that traffic management systems can be implemented in time to address expected higher levels of congestion, once the economy begins to recover and to realize the benefits of these lower cost and quick delivery projects. The trade-off for this strategy is a smaller share of funding for other core program categories. However, to the extent possible, the FPI program has been aligned with state funding for highways, leaving the most flexible dollars for other core programs. Staff has worked closely with Caltrans to develop detailed schedules and resource allocation plans, and is confident that the FPI corridor improvements identified can be delivered on schedule.

2. **Climate Initiative Program Funding:** The Commission has identified \$400 million for the Climate Initiative Program in T2035, of which \$225 million is assumed to be underwritten with STP/CMAQ funding. T2035 assumed that the balance would be provided by “anticipated” funds. While staff has estimated “anticipated” revenue for the purpose of the New Act proposal based on higher federal transportation authorization levels, other federal revenue opportunities are expected to become available, such as a carbon cap and trade program and the Livable Communities Act being considered by Congress. Staff will pursue funding from these and other sources for the Climate Initiatives, TLC and Regional Bicycle programs.

The Commission further intended that this initiative would be implemented within the initial five years of the T2035 planning horizon. If New Act funding were programmed to deliver \$225 million in five years, dramatically less funding would be available to continue the annual programs, fund other T2035 core programs, and make strategic investments. To that point, it is important to consider the synergies and overlap of the core programs in achieving the objective of reducing GHGs and other air pollutants.

More than 75% of the \$32 billion in total discretionary funding identified in T2035 is directly or indirectly aimed at reducing GHGs. For example, the Commission's commitments to complete the Regional Bicycle Network and to promote focused growth through the TLC program encourage more bicycling and pedestrian travel. Also, the fix-it-first policy supports GHG emission reductions by improving the reliability of transit service and supporting bicycle and pedestrian travel as required by the Commission's "complete streets" policy. Lastly, staff's analysis suggests that the FPI program is also a key GHG emission reduction strategy and could prove to be more cost-effective than the Climate Initiatives Program itself. To strike a balance among various transportation needs over the next six years and considering cost-effectiveness, staff's recommendation results in a more gradual ramp up of the Climate Initiative.

3. **Project Delivery:** All STP/CMAQ funding is subject to the Regional Project Funding Delivery Policy (MTC Resolution No. 3606 revised) which establishes fund obligation, contract award, expenditure, invoicing and reimbursement deadlines among other requirements. Failure to meet these requirements could result in the redirection of funds to other projects. Funds must be obligated in the fiscal year programmed in the TIP, with all Cycle 1 funds to be obligated no later than April 30, 2012. Per Resolution 3606, an annual obligation plan will be developed each year to determine the specific projects to meet the April 30 deadline of that fiscal year. Funds not obligated within established deadlines could be redistributed to other projects at the Commission's discretion.
4. **Direct Some Capacity to Strategic Investments:** Effective programming decisions need to be strategic, responding to opportunities to deliver system-wide improvements as well as to address critical projects that might be postponed during budget crises. For example, the region has directed STP (STIP Backfill) and American Recovery and Reinvestment Act of 2009 (ARRA) funds to jumpstart construction projects when state funds were not immediately available. Staff recommends supplementary funding for Corridor Mobility and Trade Corridor projects, as well as restoring funds for regional transit commitments that are not available as a result of the state budget.
5. **Priority Development Areas (PDA) Based Funding Decisions:** In Transportation 2035, the Commission's transportation/land use and climate change policies seek to align "focused growth" land use principles and transportation investments. As part of the ARRA program adoption last February, the Commission directed staff to begin developing a PDA investment strategy in advance of the new federal authorization. As it relates to the New Act programming, staff recommends the following:
 - **Transportation for Livable Communities:** All TLC projects must be located in priority development areas with additional weight given in project

evaluation depending on whether the projects are in planned or proposed PDAs and based on proposed development intensity.

- ***Climate Initiatives:*** Consistent with the broad framework for the Climate Initiative program in T2035, Attachment B outlines a near-term proposal for Cycle 1 developed jointly by MTC and Air District staff. This proposal is subject to refinement through October to ensure the most deliverable and cost-effective programs are pursued. Capital projects funded by the Climate Initiative program would be given priority if they are in planned PDAs, with additional weight being given to projects that are in higher intensity development and in proximity to transit.
- ***Rehabilitation – Streets and Roads and Transit:*** The current distribution formula prioritizes funding for local jurisdictions that are considered high-intensity PDAs. The allocation formula for streets and roads rehabilitation contains four factors, weighted 25% each, including population, lane mileage, arterial and collector shortfall, and preventive maintenance performance. The population and lane mileage factors result in an emphasis on PDAs. Staff recommends a change from current practice by requiring that the CMAs use the same allocation formula for streets and roads distribution within the counties.

Program Management

Staff proposes that program management be split between MTC and the CMAs as outlined in Table 1 on the next page. This would focus MTC management on program areas of regional scope or with a network impact. Congestion management agencies would manage programs with a local/community focus.

Further, in response to stakeholder comments, staff proposes to bundle some programs into “PDA block grants” to allow more flexibility and strategic project delivery on the part of the counties in terms of the final amount programmed within each category, recognizing unique county transportation needs. Discrete program category targets would be established, with allowable margins of deviation, for the bundled programs. The intended result would be a more synergistic approach to CMA project selection and delivery using a variety of T2035 core funded programs which we hope will lead to larger, more effective, and multi-modal projects that promote a wide spectrum of planning goals. The CMAs would coordinate their decisions with the MTC managed programs such as TLC and Climate Initiatives. Lastly, staff proposes that CMAs be required to submit a strategic plan by January 1, 2010, that identifies the milestones for making project selection decisions and how stakeholder outreach will be accomplished to further priority development area goals.

Memo to PAC on New Act Programming
 September 9, 2009
 Page 9 of 10

Table 1

Transportation 2035 Core Programs	Manager	PDA Block Grant
Freeway Performance Initiative (FPI) and the Regional Signal Timing Program.	MTC, Caltrans and CMAs	
Climate Initiatives <ul style="list-style-type: none"> ▪ Transit Priority Measures ▪ Electric Vehicle Infrastructure (EVI) ▪ Safe Routes to Schools ▪ Safe Routes to Transit ▪ Outreach/Incentives 	MTC and Bay Area Air Quality Management District	
Climate Initiatives <ul style="list-style-type: none"> ▪ E. Solano CMAQ 	Solano Transportation Authority	Yes
Regional Bicycle Program	CMAs	Yes
Transportation for Livable Communities (TLC) – Regional	MTC	
Transportation for Livable Communities (TLC) – County	CMAs	Yes
Regional Streets and Roads Rehabilitation	CMAs	Yes
Transit Capital Rehabilitation	MTC	

Schedule

Attachment E is the proposed outreach schedule for the development of Cycle 1 funding. The next step is the continuation of discussions with stakeholders throughout September. In October staff plans to bring a draft final proposal to the Programming and Allocations Committee and to the full Commission for approval.

 Steve Heminger
Attachments

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Attachment A

New Transportation Authorization Act-- STP/CMAQ with ARRA Backfill Outlay
MTC Revised Proposal, September 9, 2009
(amounts in millions \$)

Program and Project Investments Described in attached summary	Committed ARRA Programming 08/09	New Commitments				Total New Commitment
		ARRA ¹ Backfill 08/09	STP/CMAQ Cycle 1 09/10 - 10/11 - 11/12	STP/CMAQ/TE Cycle 2 12/13 - 13/14 - 14/15	ARRA Backfill & STP/ CMAQ/TE Total 09/10-14/15	
Estimated Apportionment Revenues	662	113	485	568	1,166	1,401
Annual Programs						
1 Required SAFETEA OA Carryover			68		68	68
2 On-Going Regional Planning			23	25	48	48
3 On-Going Regional Operations			84	74	158	158
Total			175	99	274	274
T-2035 Core Programs						
4 Focus 1 Freeway Performance Initiative (FPI)	19	74	62	86	222	222
5 Focus 2 Climate Initiatives ³			59	34	93	148
6 Focus 2 Regional Bicycle Program	10	8	16	20	44	67
7 Focus 2 Transportation for Livable Communities (TLC)			78	96	174	223
8 Focus 3 Transit Capital Rehabilitation	286			119	119	164
9 Focus 3 Regional Streets and Roads Rehabilitation ⁴	145		86	83	169	232
Total	461	82	302	438	821	1,056
Strategic Investments						
10 Safety Projects (Vasco Road and North Bay counties)	13					
11 Express Lane Network (580 and 237/880)	14					
12 Transit Expansion (Oakland Airport Connector)	70					
13 Advance Prop 1B Construction (Caldecott Tunnel)	105					
14 Corridor Mobility (SCL I/C Imps)		32			32	32
15 MTC Res 3814 Transit Payback Commitment				31	31	31
16 Trade Corridor (Richmond Rail Connector)			8		8	8
Total	201	32	8	31	71	71
Grand Total	662	114	485	568	1,166	1,401

¹ \$112.5 M in ARRA Backfill is included within the \$661.9 M ARRA Programming Amount (\$105 M for Caldecott Tunnel and \$7.5M for TE)

² Anticipated revenues are based on a 10% annual authorization increase as compared to the assumed 4% in the base proposal over six years. Portion available for Cycle 1 programming is \$60 million from apportionments over the first three years.

³ Includes \$20M for SFgo

⁴ Includes PTAP and FAS of \$28M

Attachment B

Program Category Information

- ***SAFETEA Obligation Authority (OA) Carryover (\$68M):*** This is a required OA payback, which reduces programming capacity to other programs. As the MTC region enters the New Act with a carryover of \$68 million, it remains uncertain how soon this OA payback would be requested by Caltrans, depending on OA used by other regions in the State. It is noteworthy, that MTC's ability to obligate quickly in the earlier years could be viewed as beneficial by Caltrans, allowing later payback of OA. In any event, it is prudent to anticipate payback during Cycle 1. As noted in the SAFETEA summary, the region had to address over \$90 million in OA carryover during the current Act.
- ***Regional Planning (\$48 - \$57M):*** Provide funding to Congestion Management Agencies (CMAs), Association of Bay Area Governments (ABAG), the San Francisco Bay Area Conservation and Development Commission (BCDC), and MTC to support planning activities in the region. The \$48M funding level reflects the Transportation 2035 commitment level by escalating at 4% per year from the base amount of \$6.9M in FY 2008-09. In addition, the CMAs have the ability to use up to 4% of their respective block grants to supplement their planning revenues.
- ***Regional Operations (\$158M):*** Funding to continue regional operations programs over the New Act period including TransLink®, 511, and Incident Management. In response to the elimination of STA funding to the Regional Operations Programs, an increment of \$2.5 million has been added, as compared to Transportation 2035 assumptions for MTC project staff costs through FY 2012/13. Funding for this purpose in Cycle 2 will depend on the State of California fiscal situation.
- ***Freeway Performance Initiative (\$222M):*** Attachment D lists the specific projects proposed under FPI. Major benefits would accrue to the Bay Area expediting the implementation of the Freeway Performance Initiative, emphasizing the delivery of ramp metering projects on the State Highway System throughout the Bay Area Region. For nearly two years, MTC staff has been working with Caltrans and the CMAs to develop a list and sequencing of projects. This category includes \$1.5 million per year, for a total of \$9 million for performance monitoring activities, Regional Signal Timing Program and TOS.
- ***Climate Initiatives (\$148M):*** Project components would include, but are not limited to, funding the Safe Routes to Schools, Safe Routes to Transit, Transit Priority Measures (TPM), Outreach/Incentives programs, and Showcase Innovation projects. Subject to continued discussion with the Air District and stakeholders, specific amounts by category and an updated approach to using these funds will be presented in October. This initiative includes \$20 million to SFgo for Transit Priority Measures. This project will decrease traffic congestion and improve transit operations by synchronizing intersections, and furnishing and installing traffic cameras and variable message signs for traffic monitoring and information dissemination. Lastly there is \$6 million for the Eastern Solano CMAQ Program, to acknowledge CMAQ funds coming to MTC that are within the Sacramento Metropolitan Air Quality Management District's air basin encompassing Eastern Solano County.

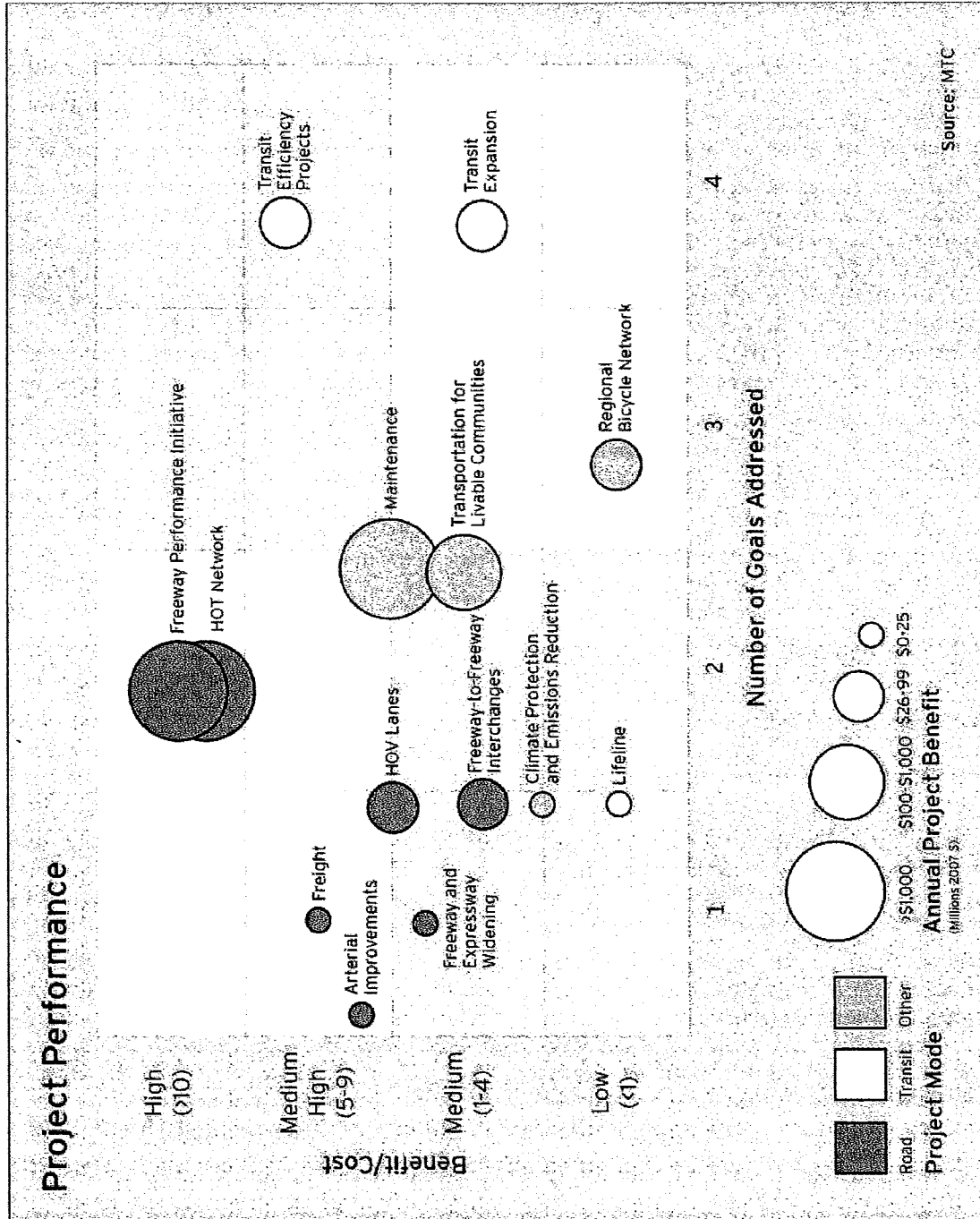
- ***Regional Bicycle Program (\$67M):*** Under T2035, these funds will be applied to building the Regional Bicycle Network. This category also includes \$8 million for new projects as a result of advancing previously funded transportation enhancement (TE) funding.
- ***Transportation for Livable Communities (TLC) (\$223M):*** \$78 million is provided in Cycle 1 to allow for a TLC pilot program to launch a new approach based on discussions with our partners and stakeholders. In July, the Planning Committee reviewed several elements for the next TLC funding cycle. Areas under consideration include (1) the use of TLC funds to incentivize development in Priority Development Areas, (2) the size of TLC grants, (3) a menu of eligible program categories, including streetscapes (current program eligibility), as well as several new categories: non-transportation infrastructure, transportation demand management, and density incentives such as land banking or site assembly, and (4) the split between the regional and local funding. Following input from the Planning Committee, MTC advisors, and regional stakeholders, staff will return to the Planning Committee in September for approval of the next TLC funding cycle.
- ***Transit Capital Rehabilitation Shortfall (\$164M):*** This program will continue to address transit capital shortfalls in the region as identified in the Transportation 2035. The program objective, as in the past, is to assist transit operators to meet major fleet replacement needs.
- ***Local Streets and Roads Rehabilitation (\$232M):*** This program addresses rehabilitation shortfalls on the regional local streets and roads network. Note that the amount includes \$28 million for the Pavement Technical Assistance Program (PTAP) and Federal Aid System Commitments. With the passage of ISTEA and the dissolution of the Federal Aid Urban/ Federal Aid Secondary (FAU/FAS) programs, California statutes guarantee the continuation of minimum funding to Counties, covering their prior FAS shares. The proposal includes \$15 million to address this at the outset of Next Act programming. Also, PTAP (\$7 million per cycle), similar to MTC's regional operations programs requires uninterrupted funding to continue the program, which includes \$1.5 million per cycle to underwrite MTC costs to administer the program.
- ***Strategic Investments (\$71 million):*** Staff is proposing several strategic investments that take into consideration synergies with other recent and proposed initiatives as well as the current state and local economic realities. Related to recent initiatives, staff is proposing to build on the momentum of the Corridor Mobility and Trade Corridor programs by recommending two additional projects that meet these investment priorities. Further, staff is recommending the restoration of partial funding to transit programs and projects that lost funding as a result of state and federal funding cuts. A brief description of each project as well as the proposed funding amount is included below:
 - ***Corridor Mobility (Santa Clara Interstate 280 to Interstate 880 Direct Connector - \$32 million):*** This project will provide a direct freeway connector and interchange improvements to improve traffic operations, safety, and access. This project had been a candidate for Proposition 1B funding, and is now proposed as a strategic investment.
 - ***Trade Corridor (Richmond Rail Connector - \$8 million):*** The Richmond Rail Connector is a rail connection between the BNSF Railroad's Stockton Subdivision and Union Pacific Railroad's Martinez Subdivision near San Pablo,

CA, just north of Richmond, CA. BNSF and UP, as well as the Capitol Corridor and Amtrak, all operate on the Martinez Subdivision. This project is needed to accommodate and better serve both current and future freight and passenger rail traffic on the Martinez Subdivision rail corridor while reducing the impacts on the local community. The proposed rail connector would eliminate the need for a number of long BNSF trains to continue to travel through downtown Richmond, thereby reducing traffic delays at local grade crossings, as well as vehicle emissions and noise impacts affecting Richmond residents. The estimated project cost is approximately \$35m, with 50 percent of the project costs coming from the state Proposition 1B TCIF program, and additional funds coming from BNSF Railroad.

- *MTC Resolution 3814 Transit Payback Commitment (\$31M)*: As part of the Transit Policy established in June 2007, in conjunction with Proposition 1B funding, MTC committed \$62 million in future spillover revenues for Lifeline, Small Operators, SamTrans Right-of-way Settlement, and two capital projects – BART to Warm Springs and eBART. Given the proposal to suspend funding to transit for five years, MTC is proposing to meet roughly half of this 10-year commitment through a combination of distributions to-date and the proposed cycle programming. However, the proposal would fully fund the Lifeline and Small Operator commitment while delaying any funding to the two capital projects. The table below provides the proposed distribution:

STA Spillover Funding Agreement Per Resolution 3814 PROPOSITION 1B TRANSIT FUNDING PROGRAM -- POPULATION BASED SPILLOVER DISTRIBUTION						
Apportionment Category	MTC Resolution 3814 Original Schedule	%	FY 2007-08 Spillover Distribution	Unfunded Commitment	Proposed for Funding	Remaining Commitment
Lifeline	\$ 10,000,000	16%	\$ 1,028,413	\$ 8,971,587	\$ 8,971,587	\$ -
Small Operators / North Counties	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ 2,691,476	\$ -
BART to Warm Springs	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ -	\$ 2,691,476
eBART	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ -	\$ 2,691,476
Samtrans	\$ 43,000,000	69%	\$ 4,422,174	\$ 38,577,826	\$ 19,288,913	\$ 19,288,913
Total	\$ 62,000,000	100%	\$ 6,376,158	\$ 55,623,842	\$ 30,951,976	\$ 24,671,865

Attachment C: Transportation T 2035 Project Evaluation Results*



*Transportation 2035 Performance Assessment Report, December 2008

Attachment D

Freeway Performance Initiative Project List

(millions\$)

PRIOR AARA COMMITMENTS

Caltrans EA	Route	Location	Description	Capital costs	Support costs	Total Cost	Committed ARRA	Cumulative ARRA Funds
15130	SCL 280	SB; Menker to 11th	8 Ramp Meters (RMs)	\$5.0	\$2.0	\$7.0	\$7.0	\$7.0
15034	SCL 280	NB; Vine to Leland	7 RMs	\$3.4	\$1.6	\$5.0	\$5.0	\$12.0
15340	SM 280	SB; Route 1 to Route 380	9 RMs	\$4.9	\$2.1	\$7.0	\$7.0	\$19.0
Committed ARRA Subtotal							\$19.0	

NEW ACT CYCLE 1 (FY 09/10 - FY 11/12)

Caltrans EA	Route	Location	Description	Capital costs	Support costs	Total Cost	Funding Request*	Cumulative Request
-	-	-	signal timing & performance monitoring				\$4.5	\$4.5
15270	CC 4	Route 680 to Route 160	4 RMs + 40 TOS elements	\$7.8	\$4.1	\$11.9	\$9.9	\$14.4
15300	ALA 92	EB; SM Bridge to Route 880	7 RMs	\$4.3	\$3.1	\$7.4	\$5.9	\$20.2
2A790	SM 101	SF co. line to SCL co. line	29 RMs	\$9.6	\$4.0	\$13.6	\$12.1	\$32.3
15420	SCL 85	Route 280 to Route 101	14 RMs + 14 TOS elements	\$9.5	\$3.8	\$13.3	\$11.4	\$43.7
15320	SCL 680	Route 101 to ALA co. line	32 RMs + 23 TOS elements	\$20.7	\$4.3	\$25.0	\$22.9	\$66.6
15310	ALA 680	CC co. line to SCL co. line	30 RMs + 67 TOS elements	\$27.1	\$5.2	\$32.3	\$29.7	\$96.3
15113	ALA 580	Route 880 to SJ co. line	25 RMs + 69 TOS elements	\$13.8	\$6.7	\$20.5	\$17.1	\$113.4
15330	SCL 101	101/85 IC south to SBT co. line	27 RMs + 46 TOS elements	\$19.8	\$5.3	\$25.1	\$22.4	\$135.9
Cycle 1 Subtotal							\$135.9	

NEW ACT CYCLE 2 (FY 12/13 - FY 14/15)

Caltrans EA	Route	Location	Description	Capital costs	Support costs	Total Cost	Funding Request	Cumulative Request
-	-	-	signal timing & performance monitoring				\$4.5	\$48.2
15160	MRN 101	Golden Gate Bridge to SON co. line	43 RMs	\$23.7	\$4.1	\$27.8	\$25.8	\$74.0
TOS22	SOL 80	Carquinez Bridge to Yolo co. line	61 RMs + 150 TOS elements	\$46.9	\$17.4	\$64.3	\$55.6	\$129.6
Cycle 2 Subtotal							\$85.9	

GRAND TOTAL \$240.7

* Funding requests for FPI projects include 100% of capital costs and 50% of support costs.

New Act STP/CMAQ Cycle Programming Outreach Schedule

Date	Committee	Action
May		
18	Partnership Technical Advisory Committee	Present Framework
June		
3	Transit Finance Working Group	Present Framework to Advisory Committees and Working Groups leading up to a presentation of a draft proposal to the Partnership Board
4	Elderly and Disabled Advisory Committee	
9	Minority Citizens Advisory Committee	
10	Advisory Council	
12	Local Streets and Roads Working Group	
15	Programming and Delivery Working Group	
15	Partnership Technical Advisory Committee	
23	Partnership Board	
July		
1	Transit Finance Working Group	Draft Proposal revised as needed. Draft Final Proposal developed after PTAC to be taken to PAC/Commission in September.
2	Elderly and Disabled Advisory Committee	
8	Advisory Council	
10	Local Streets and Roads Working Group	
14	Minority Citizens Advisory Committee	
20	Programming and Delivery Working Group	
20	Partnership Technical Advisory Committee	
August		
12	Advisory Council	Same as above.
	Regional Bicycle Working Group & Regional Pedestrian Committee joint meeting	
20		
September		
2	Transit Finance Working Group	Update Advisory Committees and Working Groups on any proposal revisions on an ongoing basis for comment. Staff to present proposal and issues to Programming Advisory Committee for information only and to receive further direction.
4	Local Streets and Roads Working Group	
9	Programming Allocations Committee	
9	Advisory Council	
21	Programming and Delivery Working Group	
21	Partnership Technical Advisory Committee	
October		
1	Elderly and Disabled Advisory Committee	Continuation of September outreach
13	Minority Citizens Advisory Committee	
14	Programming Allocations Committee	Final Draft Proposal reviewed and adopted by the Commission.
28	Commission	

STP/CMAQ Cycle 1 and 2 Programming Proposal Local Streets and Roads Working Group

What do increased transit ridership, efficient goods movement, bicycle and pedestrian access, Focused Growth, and any freeway congestion management program have in common? Their success all rest upon the foundation of a functioning street and road network. Maintenance of the existing street and road network is not about expanding roadway capacity in order to create an environment conducive for driving. It is about preserving the base upon which *all modes of travel* rely. If investment in the existing street and road network is continuously deferred in favor of enhancement programs or expansion projects, the foundation will continue to deteriorate—to the ultimate detriment of all other transportation priorities.

MTC has requested that the region's transportation stakeholders serving in the various working groups that advise the Partnership Board develop proposals that reflect their preferred options for the programming of STP and CMAQ funds over the next six years. Attachment A is a proposal developed by the Local Street and Road Working Group (LSRWG) that reflects one of the main themes of the recently adopted *Transportation 2035* plan—"Fix-it-First". An explanation of the proposal is provided in detail below. Additional justification for the LSRWG framework is also provided.

LSRWG Proposal:

- Keep funding for the Freeway Performance Initiative (FPI) whole at \$222 million by providing \$31 million in funding off the top of the "anticipated" revenue. Reduce funding for FPI in the first cycle from \$62 million to \$39 million and from \$89 million to \$78 million in the second cycle.

Rationale

- The program consists of multiple IT projects at multiple, widely separated locations. While reducing the program in the first cycle, the \$113 million (\$39 million in Cycle 1 funds plus \$74 million in ARRA Backfill funds) investment still represents a significant investment.
- MTC staff includes \$235 million in "anticipated" revenue in their latest programming framework. Staff proposal states "Portion available for Cycle 1 Programming is \$60 million from apportionments over the first three years."
- Reducing the amount of CMAQ used for FPI in the first and second cycles would free up more of this fund source for other programs that can use it and in turn, would free STP funds to be used to further "Fix It First" goals.

- Increase funding for Regional Streets and Roads Rehabilitation to \$109 million in the first cycle and \$91 million in the second cycle.

Rationale

- Supports “Fix it First” philosophy
 - Recognizes need for early investment to maximize investment savings and minimize further deterioration of the region’s local streets and roads conditions
 - Recognizes a higher cost benefit through early investment
 - Recognizes proven track record of ability to deliver projects in a timely manner
 - Local Roads maintenance / rehabilitation did not receive a proportional share of ARRA funding
- Distribute “Anticipated” funding to reflect *Transportation 2035* investment commitments which results in increasing the commitment of “anticipated” revenue for streets and roads to \$89 million and transit rehabilitation to \$74 million.

Rationale

- Per *Transportation 2035*, 80 percent of “Anticipated” revenue should go towards maintenance of the existing system. Anticipated revenue represents funding above and beyond what was projected to be available from specified sources. These funds could take the form of existing programs. The MTC staff proposal indicates that the anticipated revenue included in the programming framework is based on more revenue becoming available than what had been projected in the Plan from the STP/CMAQ fund source. The LSRWG proposal appropriately distributes these funds according to the investment framework put forth in the Plan for anticipated revenues after deducting \$31 million from the total in order to fund the FPI program at staff’s proposed level.
 - While funding is reduced in the LSRWG proposal for several of the core programs, additional funding for maintenance of the transit system and for the roadways required by transit, bicyclists and pedestrians, cannot be seen as being at cross-purposes with Climate Initiatives, TLC or the Regional Bike Program.

Further Justification for the LSRWG Proposal

Existing resources to fund the maintenance of the existing street and road network in the Bay Area fall short by more than \$200 million per year. The California Assembly’s reversal of the recent proposed raid of local gas tax subvention funds to help cover the State budget deficit—while a welcome turn of events—merely keeps the region’s local street and road network at the same place it was at the time *Transportation 2035* (T2035) was developed—underfunded by 50% of what is needed to bring conditions up to a pavement condition index (PCI) of 75 over the next 25 years. Without additional funding, the street and road network in the Bay Area is projected to deteriorate from the current PCI of 64, to 42 by the year 2032.

Transportation 2035

MTC Commissioners recognized that it makes no sense to spend limited regional transportation resources to enhance or expand on an existing foundation that will continue to deteriorate if not addressed. The “Fix it First” philosophy that was made prominent in T2035 reflects that recognition.

During the T2035 investment trade-off discussions, local public works representatives stressed the need to invest *early* if the \$7 billion dollar regional commitment to street and road maintenance were to be effective in preventing further deterioration of the region’s average street and road condition over the course of the Plan period. Early investment in street and road maintenance has been found to have a benefit to cost ratio of five to one. While other strategic investments in the Plan may have a higher calculated benefit cost ratio than maintenance of the existing system, the scale of the savings that can be realized by investing early in the existing infrastructure far exceeds anything else. The existing street and road capital maintenance funding shortfall is \$18 billion. Every billion dollars that is invested in preservation of the system will save five billion in long-term costs associated with deferring needed maintenance. In addition to the enormous savings this represents for the region’s taxpayers, it also impacts the level of regional resources that will be available to invest in other transportation priorities.

While it has been said many times by MTC staff and it is understood that T2035 is a plan and not a programming document, it is difficult to see the point of such a plan when right out of the starting gate the priorities and actual funding streams deviate sharply from the framework established.

Also understood is the fact that funding sources often come with restrictions and will not necessarily flex to conform neatly to the goals and commitments outlined in the Plan. This is why it is critical that where flexible funding sources are available, that they are applied appropriately according to the priorities that the region has set and with consideration of the types of fund sources that are likely to be available in the future. To this end, the Congestion Management / Air Quality Program (CMAQ) funds currently proposed in the MTC Staff’s Plan for the Freeway Performance Initiative (FPI) should be directed in larger proportions to programs uniquely eligible for these funds, such as the Transportation for Livable Communities (TLC) Program. This would allow the Surface Transportation Program (STP) funds to be spent on Local Streets and Roads Maintenance to achieve the “Fix it First” goal. Because, outside of the recent American Recovery and Reinvestment Act (ARRA) program, *known* regional discretionary revenue sources that can be applied against the local streets and roads maintenance shortfall consist of exactly one: Surface Transportation Program (STP) funds. Therefore, it is our position that these funds be used to prioritize the “Fix it First” goals set forth in T2035, as opposed to programming funds into a strategic investment such as the Freeway Performance Initiative which is more rightly viewed as a long range goal.

Project Delivery

The Bay Area Region, through MTC’s leadership, has been successful in meeting “timely use of funds” requirements by delivering street and road system preservation projects ahead of Federal deadlines. These efforts provided opportunities for our region to secure additional STP/CMAQ funding from other parts of the state that did not deliver their projects in a timely manner. The end results were additional streets and roads rehabilitation projects that provided Bay Area

September 21, 2009

residents with pavement and safety improvements which includes such components as American with Disability Act curb ramp installations. We encourage that these policies continue and that Cycle 2 Funding allocations be conditioned on programs ability to deliver their projects in a timely manner.

Regional Investments since the Adoption of T2035

Prior to approval of the federal economic stimulus act, local jurisdictions submitted a list of approximately \$1 billion "shovel-ready" projects that were deemed deliverable within the time frames being considered for the legislation. Of the \$662 million in ARRA funding that was or will be at MTC's discretion to distribute, \$145 million has been obligated for street and road maintenance and rehabilitation. That amount is less than 22% of the total and far less than the 43% share of "anticipated" revenues that T2035 said would be going to fund the local street and road maintenance shortfall. While not all the region's share of the ARRA funding was eligible for street and road maintenance expenditure, there were clearly opportunities to fund streets and roads at a far greater level than what has been achieved.

In addition to the ARRA funding, MTC staff's proposal for the first and second cycles of STP/CMAQ funding falls short of targets identified in T2035.

Following is a comparison of the T2035 investment framework and the actual investment practice that has been applied with the ARRA funding and is being proposed by MTC staff for the ARRA backfill funding from the State in combination with the STP/CMAQ Cycles 1 & 2 program. It illustrates how far the region has strayed, the calculated difference between the investments identified in the Plan and the actual percentages that have been received or are being proposed for local streets and roads.

Transportation 2035 vs. Actual / Planned Investment Comparison

Funding Source	T2035*	Actual / Planned	Diff. In Dollars (Billions)
Anticipated / Unspecified	43.4%	21.9%	\$ 0.142
STP/CMAQ*	25.5%	21.7%	\$ 0.030
<i>Total Amount Behind / Needed to be On Par with Plan:</i>			\$ 0.172

*Does not assume the front-loading of climate initiative funding

Therefore, if T2035 is to have any significance at all, actual funding practice should more closely resemble its investment framework.

(Amounts in Millions)

MTC Staff Proposal - 09/09/09														LSRWG Proposal - 09/21/09				
	Committed ARRA Programming	ARRA ¹ Backfill	STP/CMAQ Cycle 1	STP/CMAQ/TE Cycle 2	ARRA Backfill & STP/CMAQ/ TE Total	Anticipated Revenue ²	Total New Commitment	ARRA ¹ Backfill	STP/CMAQ Cycle 1	STP/CMAQ Cycle 2	ARRA Backfill & STP/CMAQ Total	Anticipated Revenue ²	Total New Commitment					
Estimated Apportionment Revenues	662	113	485	568	1,166	235	1,401	113	485	568	1,166	235	1,401					
Actual Programs																		
1 Required SAFETEA OA Carryover			68		68		68		68		68		68					
2 On-Going Regional Planning			23	25	48		48		23	25	48		48					
3 On-Going Regional Operations			84	74	158		158		84	74	158		158					
Subtotal Annual Programs	0	0	175	99	274	0	274	0	175	99	274	0	274					
T-2035 Core Programs																		
4 Focus 1 Freeway Performance Initiative (FPI)	19	74	62	86	222		222	74	39	78	191	31	222					
5 Focus 2 Climate Initiative ³			59	34	93	55	148		59	34	93	18	111					
6 Focus 2 Regional Bicycle Program	10	8	16	20	44	22	66	8	16	20	44	7	51					
7 Focus 2 Transportation for Livable Communities (TLC)			78	96	174	49	223		78	96	174	16	190					
8 Focus 3 Transit Capital Rehabilitation	286			119	119	45	164			119	119	74	193					
9 Focus 3 Regional Streets and Roads Rehabilitation ⁴	445		86	83	169	63	232		109	91	200	89	289					
Subtotal Core Programs	460	82	307	438	827	234	1055	82	307	438	827	235	1056					
Strategic Investments																		
10 Safety Projects (Vasco Road and North Bay Counties)	13																	
11 Express Lane Network (580 and 237/880)	14																	
12 Transit Expansion - Oakland Airport Connector	70																	
13 Advance Prop 1B (Caldecott Tunnel)	105	32		31	32		32	32			32		32					
14 Corridor Mobility (SCL 1/C Imps)					31		31			31	31		31					
15 MTC Res. 3814 Transit Payback Commitment			8		8		8		8		8		8					
16 Trade Corridor (Richmond Rail Connector)	202	32	8	31	71		71	32	8	31	71		71					
Subtotal Strategic Investments	202	32	8	31	71		71	32	8	31	71		71					
Grand Total	662	114	484	568	1,166		1,400	114	484	568	1,166		1,401					

¹\$112.5 M in ARRA Backfill is included within the \$661.9 M ARRA Programming Amount (\$105 M for Caldecott Tunnel and \$7.5M for TE)

²Anticipated revenues are based on a 10% annual authorization increase as compared to the assumed 4% in the base proposal over six years. Portions available for Cycle 1 programming is \$60 million from apportionments over the first three years.

³Includes \$20M for SFgo.

⁴Includes PTAP and FAS of \$28M

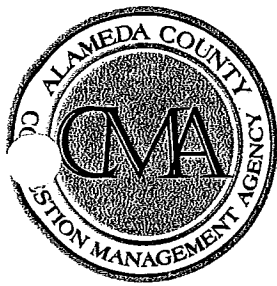
**ARRA Transportation-Related Discretionary Programs
Bay Area Awards Summary**

	Agency	Program	Program Status	Amount Available (millions)	Amount Awarded to Bay Area (millions)	Recipient	Project	Notes
1	DOT	U.S. DOT Secretary's Discretionary Grant Program - "Transportation Investment Generating Economic Recovery" (TIGER)	Applications due to DOT September 15, 2009 Awards expected Jan. 2010	1,500	TBD			
2	DOT	High Speed and Intercity Passenger Rail	Applications for High Speed Rail Corridor Program (Track 2) due Oct. 2, 2009 Project selections expected by Dec. 2009 for Track 2, early fall for all other tracks	8,000	TBD			
3	DOT	New Starts/Capital Investment Grants	Awards announced	750	TBD	FTA selected projects already under construction		No Bay Area projects selected
4	DOT	Transit Energy Efficiency "Recovery Act-Transit Investments for Greenhouse Gas and Energy Reduction" (TIGGER)	DOT announces selected projects Sept. 2009 Selectees submit formal grant applications directly following selection	100	TBD			
5	DOT	Ferry Boat Discretionary (FBD) Program	Awards announced	60	3.2	GGBHTD	Sausalito Ferry Landing Improvements	
6	DOT	Park Roads and Parkways (PRP)	Internal selection process	170	0.0	Selected projects in/near National Parks		No Bay Area projects selected
7	NPS	National Park Service (including roads)	Internal selection process	589	0.0	Selected projects in/near National Parks		No Bay Area projects selected
8	EPA	Diesel Emission Reduction "Recovery Act Funding for Clean Diesel: National Clean Diesel Funding Assistance Program"	Awards announced	156	2.0	Bay Area Air Quality Management District (BAAQMD)	Install diesel particulate filters (DPF) on 103 delivery trucks	
9	EPA	Diesel Emission Reduction "Recovery Act Funding for Clean Diesel: SmartWay Clean Diesel Finance Program"	Awards announced	30	0.0	Three projects awarded in Kentucky, Oregon, and Texas.		No Bay Area projects selected
10	EPA	Diesel Emission Reduction "Recovery Act Funding for Clean Diesel: Clean Diesel Emerging Technologies Program"	EPA announces selected projects Sept. 2009	20	TBD			
11	DOE	Transportation Electrification	Awards announced	400	0.5	City College of San Francisco	Educational programs	
12	DOE	Alternative Fuel Vehicles Pilot "Clean Cities FY09 Petroleum Reduction Technologies Projects for the Transportation Sector"	Awards announced Round 2 cancelled as of Aug. 31, 2009	300	0.0	25 projects awarded across U.S.; four in Southern California.		No Bay Area projects selected
13	DOE	Energy Efficiency and Conservation Block Grant (EECBG)	Awards announced	2,700	9.0	Cupertino, Napa, Novato, Petaluma, San Francisco and Santa Rosa received awards.		
14	DOE	Energy Efficiency and Conservation Competitive Grants	CA program for small cities/counties - draft guidelines issued; final guidelines expected Sept. 16, 2009	455	TBD			Small cities and counties must file a Statement of Intent indicating interest; form available at: http://www.energy.ca.gov/recovery/blockgrant.html
15	FEMA	Port Security Grant Program (PSGP)	FEMA announces awards between Oct. and Dec. 2009	150	TBD			
16	FEMA	Transportation Security Grant Program (TSGP) - Public Transportation and Railroad Security	FEMA announces awards between Oct. and Dec. 2009	150	TBD			
17	DOT	Public Transportation on Indian Reservations Program (Tribal Transit Program, TTP)	Awards TBA	17	TBD			
Total				15,547	15			

**ARRA Formula Programs
SF Bay Area ARRA Project Status
as of July 26, 2009**

MTC Project Category	Amount Available (millions)
Strategic Investments	160
Local Road Maintenance	145
Transit Maintenance	286
Transit Train to Plane	70
State Funded Highway	225
Total	887

Go to <http://www.mtc.ca.gov/funding/ARRA/> for more information on ARRA Formula Programs.



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

Attachment F

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

October 5, 2009

AC Transit
Director
Greg Harper

Alameda County
Supervisors
Nate Milley
Scott Haggerty
Ms. Amber Curl
Associate Planner
City of Albany

City of Alameda
Mayor
Beverly Johnson
Vice Chair
979 San Pablo Avenue, 2nd floor
Albany, CA 94706-2295
acurl@albanyca.org

City of Albany
Councilmember
Farid Javandel

BART
Director
Thomas Blalock

City of Berkeley
Councilmember
Kriss Worthington
Dear Ms. Curl:

City of Dublin
Mayor
Tim Sbrani

City of Emeryville
Vice-Mayor
Ruth Atkin

City of Fremont
Councilmember
Robert Wleckowski

City of Hayward
Councilmember
Olden Henson

City of Livermore
Mayor
Marshall Kamena

City of Newark
Councilmember
Luis Freitas

City of Oakland
Councilmember
Larry Reid

City of Piedmont
Councilmember
John Chiang

City of Pleasanton
Mayor
Jennifer Hosterman

City of San Leandro
Councilmember
Joyce R. Starosciak

City of Union City
Mayor
Mark Green
Chair

Executive Director
Dennis R. Fay

SUBJECT: Comments on the Draft Environmental Impact Report (EIR) for the University Village at San Pablo Project in the City of Albany

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the University Village at San Pablo Project in the City of Albany. The approximately 5.3 acre project is located within the University Village development in the City of Albany and is generally bounded by San Pablo Avenue Codornices Creek, 10th Street and Village Creek. The project includes:

- Block A: the construction of a 55,000 square foot Whole Foods Market, the 2,000 square foot Creekside Retail building, and parking area.
- Block B: 28,000 square foot retail space and senior housing for 100 senior residential units and 75 assisted living units.
- Infrastructure Improvements: Roadway improvements surrounding the project site, pedestrian/bike improvements, and site drainage facilities.

We respectfully submit the following comments:

Unavoidable Adverse Transportation Impacts, p. 106,

Impact and Mitigation Measure TRANS-11. The DEIR states that the mitigation of impacts to four segments of the MTS designated roadway system to less than significant levels would be dependent on approval and implementation by the City of Berkeley and Caltrans, which is outside the jurisdiction of the City of Albany. It is recommended that the mitigation measure be changed to reflect that the City of Albany consider requiring that the developer contribute their fair share of such improvements to a fund held in escrow while the City of Albany works with the City of Berkeley and Caltrans to schedule and construct the improvements. The fund can be held for an appropriate period of time. If the funds are not used by that time, they shall be returned to the developer.

Ms. Amber Curl
October 5, 2009
Page 2

Please explain why the criteria for a significant impact includes both lowering LOS from E to F *and* increase in volume-to-capacity ratio of more than five percent. It appears that the Impact identified in Table IV.A-16, p. 107, on the segment of San Pablo Avenue between Solano and Marin would create a significant impact in the year 2015 because it would shift from an LOS of E to LOS F. For Congestion Management Program (CMP) purposes, a decrease in LOS from E to F is considered significant. A Deficiency Plan will be required by the appropriate jurisdiction at the time when our bi-annual LOS Monitoring Report shows that any segment in the MTS degrades to a LOS F. If no physical improvement is possible to mitigate the impact, system and non-capital mitigation methods to relieve congestion should be considered. Examples of these mitigation methods include improved public transit service and facilities, improved non-motorized transportation facilities, parking cash out programs, and other transportation control measures.

p. 124, 9, Consistency with local and regional policies and programs supporting alternative transportation – Please add a discussion describing *how* the project is consistent with applicable policies and plans in addition to the included discussion of impacts to pedestrians, bicycles and transit. Specifically, please include a discussion of how the project would encourage its new employees and residents to use alternative modes of transportation, such as a Transportation Demand Management (TDM) program. Ways to fund such a program should also be discussed and possibly include language requiring developer fees.

p. 123, AC Transit Bus Operations. Please explain how the project would have unavoidable adverse impacts at four segments, while not impacting the flow of bus traffic on San Pablo Avenue. If there are impacts to the timing of AC Transit bus service, the project should provide a mechanism for collecting a fair share of the funding for bus improvements from the developer and coordinating with AC Transit to maintain reliable flow of bus traffic along San Pablo Avenue. Should bus travel times be delayed significantly if it is infeasible to mitigate traffic impacts, as indicated in Mitigation Measure TRANS-11, the funding may be used for improvements such as queue jumps or restriping at Buchanan, Solano and Marin, removing parking and replacing it with a lane for buses and right turns only. Another option to improve bus travel time would be moving the northbound bus stop at San Pablo and Solano, which is on the nearside of the intersection to the farside, to reduce delay.

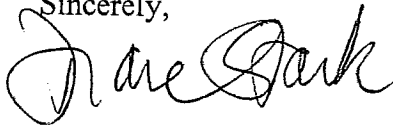
Ms. Amber Curl
October 5, 2009
Page 3

P. 121, Bicycle and Pedestrian -Mitigation Measure TRANS 12 – states all four mitigation measure options to address bicycle and pedestrian impacts would involve eliminating parking on San Pablo Avenue. However, p. 125, under Parking Demand states that “on-street parking spaces could accommodate the estimated on –site parking deficit.” Please explain this discrepancy.

Thank you, again for the opportunity to comment on the DEIR.

If you have any questions, please call me at 510-836-2560.

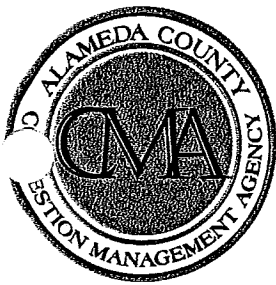
Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Stark".

Diane Stark
Sr. Transportation Planner

cc: Beth Walukas, Manager of Planning
File: Environmental responses 2009

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ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

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City of Union City
Mayor
Mark Green
Chair

Executive Director
Dennis R. Fay

October 2, 2009

Ms. Irene Klebanivska
Redevelopment Business Manager
City of Fremont, Office of Housing and Redevelopment
39550 Liberty Street
Fremont, CA 94537
iklebanivska@ci.fremont.gov

SUBJECT: Comments on the Draft Subsequent Redevelopment Program
Environmental Impact Report for the Fremont Merged Redevelopment
Project Area Plan Amendment

Dear Ms. Klebanivska:

Thank you for the opportunity to comment on the Draft Subsequent Environmental Impact Report (SEIR) for the Fremont Merged Redevelopment Project Area (Merged Project Area) Plan Amendment. The proposed Plan Amendment would modify the existing Redevelopment Plans to create one consolidated redevelopment plan for the Merged Project Area, add improvement activities, increase the limit on the amount of tax increment revenue from the industrial area portion of the Merged Project Area that may be claimed by the Redevelopment Agency, and increase the limit on the principal amount of bonded indebtedness secured by tax increment revenue.

It would enable the Redevelopment Agency to undertake and continue activities in the Merged Project Area related to: 1) transit and railway improvements, 2) economic development efforts including land assembly and development, 3) building rehabilitation, façade improvement and historic preservation, 4) public infrastructure, facilities, and landscaping improvements, 5) hazardous materials clean-up, and 6) provision of new and rehabilitated affordable housing. These Plan Amendment-related redevelopment activities are projected to facilitate and accelerate the private sector build-out of the Merged Project Area consistent with current land use designations. This includes the development of approximately 3,017 new residential units, 587,000 square feet of new commercial facilities and 5550,000 square feet of new industrial facilities.

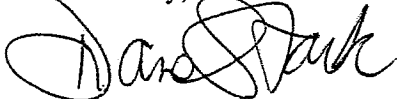
The Merged Project Area includes approximately 3,913 acres of land in four areas in the City of Fremont: the Irvington Project Area, Niles Project Area, Centerville Project Area and the Industrial Project Area.

The ACCMA respectfully submits the following comments:

- Page 7-39, 7.4.2 (c) - As stated in ACCMA's response to the NOP letter on February 13, 2008, the ACCMA does not have a policy for determining a threshold of significance for Level of Service for the Land Use Analysis Program of the CMP. Professional judgment should be applied to determine the significance of project impacts.
- Cumulative with Project Buildout Impacts:
 - P. 7-67 Mitigation 7-2 (8) & p. 7-70, Mitigation 7-2 (1)
Intersection #10, Mission Boulevard (SR 238) and Niles Canyon Road-
Niles Boulevard (SR 84) and
Intersection # 30, Christy Street and Auto Mall Parkway,
 - Since right-of-way acquisition is infeasible to mitigate impacts to less than significant levels, please add a discussion whether there are other alternatives to minimize this significant impact such as establishing TSMs/TDMs, creating incentives to use transit, or other options.
 - P. 7-69 – Mitigation 7-2 – Since the mitigation measure is reliant on coordination with BART while they design the future BART station, consider including in the mitigation measure that the City provide input to BART during the design of the driveway lane configurations and signalizations design.
 - P. 7-71, Mitigation 7-3 - Since this roadway segment would be expected to be reduced from LOS A to LOS F and no feasible mitigation measures are available to reduce impacts to less than significant levels, please note that at the time that this roadway reduces to LOS F, a Deficiency Plan will be required.
- Page 7-17, 7.2.3, Existing Bicycle and Pedestrian System – Please add a reference to the Alameda Countywide Bicycle Plan and Countywide Strategic Pedestrian Plan. Both were approved by the ACCMA Board and ACTIA Board in October 2006. The EIR should consider opportunities to promote countywide bicycle routes identified in the Plan through the project development review process. The approved Countywide Bicycle Plan is available at <http://www.accma.ca.gov/pages/HomeBicyclePlan.aspx>

Thank you for the opportunity to comment on this SEIR. Please do not hesitate to contact me at 510/836-2560 if you require additional information.

Sincerely,



Diane Stark
Senior Transportation Planner